

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

v.

9.980 ACRES OF LAND, MORE OR LESS,
SITUATE IN CAMERON COUNTY,
STATE OF TEXAS, JUAN JOSE
MARTINEZ, *et al.*,
Defendants.

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CIVIL ACTION NO. 1:20-cv-00100

COMPLAINT IN CONDEMNATION

1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Program Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1358.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule “A.”

4. The public purpose for which said interest in property is taken is set forth in Schedule “B.”

5. The legal description and map or plat of land in which certain interests are being acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules “C” and “D.”

6. The interest being acquired in the property described in Schedules “C” and “D” is set forth in Schedule “E.”

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule “F.”

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule “G.”

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule “E” of the property described in Schedules “C” and “D” be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

RYAN K. PATRICK
United States Attorney
Southern District of Texas

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

SCHEDULE

A

SCHEDULE A

AUTHORITY FOR THE TAKING

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved February 15, 2019, as Public Law 116-6, div. A, tit. II, Section 230, which appropriated the funds that shall be used for the taking.

SCHEDULE B

SCHEDULE B

PUBLIC PURPOSE

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

SCHEDULE C

SCHEDULE C

LEGAL DESCRIPTION

Cameron County, Texas

Tract: RGV-HRL-7512

Owners: Juan Jose Martinez, *et al.*

Acres: 9.980

Being a 9.980 acre tract (434,741 sq ft) parcel of land, more or less, being out of a called 53.1 acre tract, calculated as 46.870 acres remaining on the River side of Military Highway, in Cameron County, Texas conveyed to Juan Balli Martinez, Volume 1258, Page 260. Said parcel of land more particularly described by metes and bounds as follows;

Starting at COE Project control marker CR-06-2019, COE PID#: AHJ384, having the following NAD83 (2011) Grid Coordinates N=16521431.90, E=1280570.34; Thence S 67°47'12" W a distance of 6387.94 feet to a found ½" iron rod on the South line of the Juan Balli Martinez, Volume 1258, Page 260, for the **Point of Commencement**, having the following coordinates: N=16519016.90, E=1274656.50.

Thence: N 13°31'44" E departing said property line, a distance of 421.61 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7510-8=7512-1, for the **Point of Beginning**, said point being on the West line of the Juan Balli Martinez tract, Volume 1258, Page 260 and on the East line of the Paul L. Sladek, Volume 65102, Page 35 and on the West line of the I.B.W.C. levee Right-of-Way File No. 10001-RV-651-C, having the following coordinates: N=16519426.82, E=1274755.13.

Thence: N 20°17'09" E along said property line, along said I.B.W.C. line, crossing the center of an existing 22 foot wide dirt road at 103 feet, a distance of 150.58 feet to a found ½" iron rod with a blue cap designated as RGV-HRL-7510-7=7512-2 for angle, said point being on the South line of the Access Easement for Tower;

Thence: N 19°53'09" E along said property line, along said I.B.W.C. line, departing said Easement line, crossing the center of the levee road at 38 feet, departing the Access Easement for Tower at 60.12 feet, a distance of 112.07 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7510-6=7512-3 for angle;

Thence: S 67°59'26" E departing said property line, departing said I.B.W.C. line, following a line at an approximate 60 foot offset North of the existing levee toe, a

SCHEDULE C (Cont.)

distance of 136.52 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7512-4 for angle;

Thence: S 76°08'52" E along said North line, crossing the center of an existing 17 foot wide dirt road at 45 feet, a distance of 203.07 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7512-5 for angle;

Thence: N 83°38'41" E along said North line, a distance of 42.41 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7512-6 for angle;

Thence: N 47°23'48" E along said North line, a distance of 341.15 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7512-7 for angle;

Thence: N 45°00'32" E along said North line, a distance of 160.89 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7512-8 for angle;

Thence: N 47°08'16" E along said North line, a distance of 155.17 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7512-9 for angle;

Thence: N 54°31'30" E along said North line, a distance of 59.05 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7512-10 for angle;

Thence: N 59°59'22" E along said North line, a distance of 264.97 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7512-11 for angle;

Thence: N 59°24'30" E along said North line, a distance of 306.36 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7512-12 for angle;

Thence: N 61°51'12" E along said North line, a distance of 203.58 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7512-13 for angle;

Thence: N 65°29'08" E along said North line, a distance of 149.24 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7512-14 for angle;

Thence: N 69°22'20" E along said North line, a distance of 71.05 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7512-15 for angle;

Thence: S 68°07'28" E along said North line, entering the Access Easement for Tower at 61.65 feet, departing the I.B.W.C. levee Right-of-Way File No. 10001-RV-651-C at 66.16 feet, crossing the center of an existing 17 foot wide dirt road at 88 feet, a distance

SCHEDULE C (Cont.)

of 130.14 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7512-16=7513-1 for angle, said point being on the South line of the Juan Balli Martinez tract, Volume 1258, Page 260 and on the North line of the San Pedro Pit LLC tract, Volume 15434, Page 76 and on the South line of the Access Easement for Tower;

Thence: S 50°44'39" W departing said North line, along said property line, along said Easement line, to the center of an existing 7 foot wide dirt road, a distance of 43.10 feet to a found 1/2" iron rod with a blue cap designated as RGV-HRL-7507-1-5=7512-17=7513-7 for angle, said point being on the South line of the Juan Balli Martinez tract, Volume 1258, Page 260 and on the North line of the Leal Farms, INC tract, Volume 9299, Page 186 and the Southeast corner of the I.B.W.C. levee Right-of-Way File No. 10001-RV-651-C;

Thence: S 46°56'02" W departing said dirt road, departing said Easement line, along said property line, along said I.B.W.C. line, crossing the center of the levee road at 60 feet, a distance of 104.61 feet to a found 2-1/2" aluminum cap designated as RGV-HRL-7507-1-4=7512-18 for angle;

Thence: S 60°08'08" W along said property line, along said I.B.W.C. line, a distance of 47.10 feet to a found 1/2" iron rod with a yellow cap designated as RGV-HRL-7507-1-3=7512-19 for angle;

Thence: S 61°23'51" W along said property line, along said I.B.W.C. line, a distance of 449.03 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7507-1-2A=7512-19A for a Point on Line;

Thence: S 61°23'51" W along said property line, along said I.B.W.C. line, a distance of 449.03 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7507-1-2=7512-20 for angle;

Thence: S 38°21'31" W along said property line, along said I.B.W.C. line, a distance of 430.02 feet to a found 1/2" iron rod with a yellow cap designated as RGV-HRL-7507-1-1=7512-21 for angle;

Thence: S 20°08'13" W along said property line, along said I.B.W.C. line, a distance of 140.22 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7507-1-29=7512-22 for angle, said point being on the South limit of the 150' enforcement zone;

SCHEDULE C (Cont.)

Thence: S 44°44'16" W departing said property line, departing said I.B.W.C. line, along said enforcement zone, departing the I.B.W.C. levee Right-of-Way File No. 10001-RV-651-C at 14.85 feet, crossing the center of an existing 20 foot wide dirt road at 105 feet, a distance of 126.14 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7512-23 for angle;

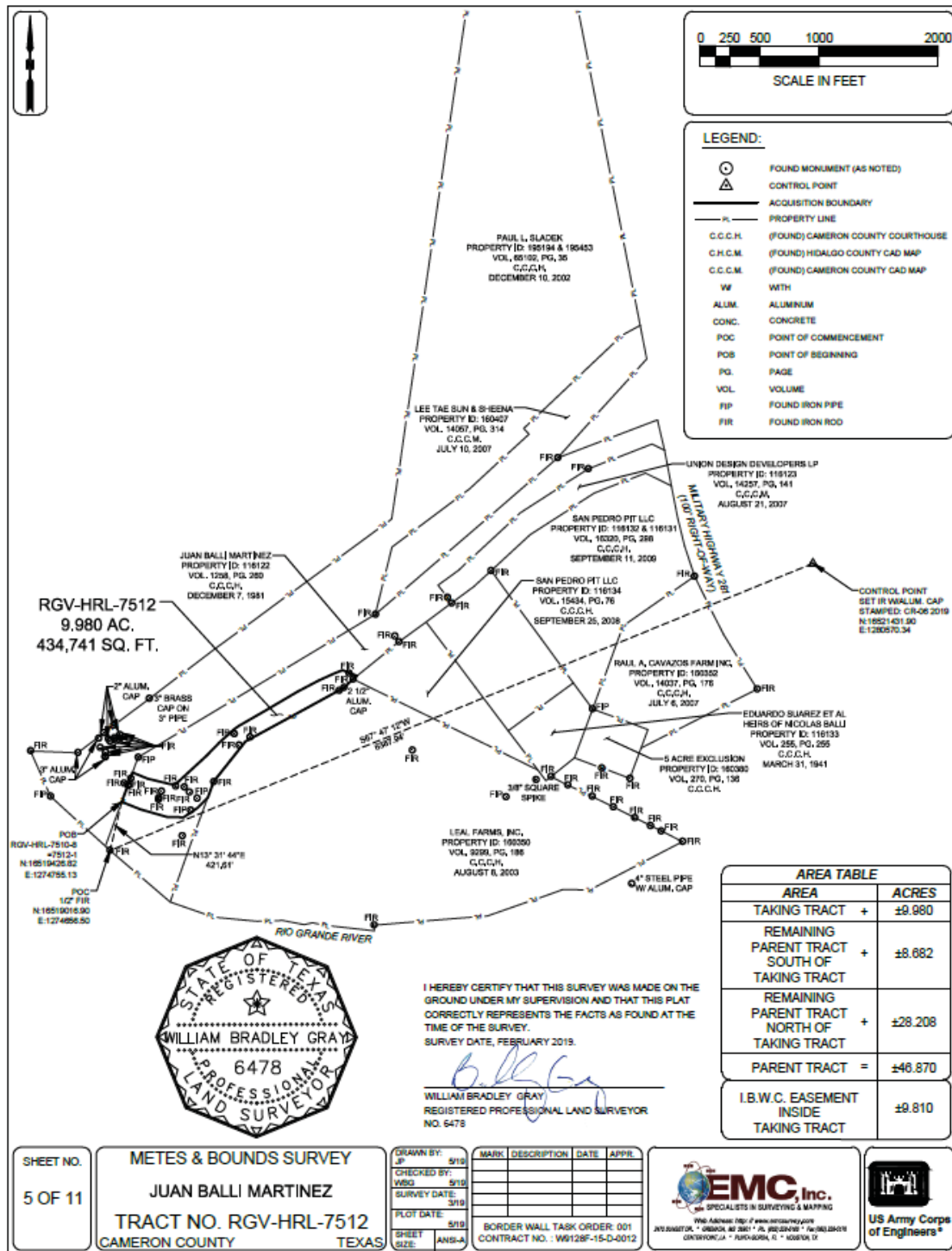
Thence: S 56°12'24" W along said enforcement zone, entering the I.B.W.C. levee Right-of-Way File No. 10001-RV-651-C at 79.83 feet, crossing the center of an existing 20 foot wide dirt road at 104 feet, a distance of 140.34 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7512-24 for angle;

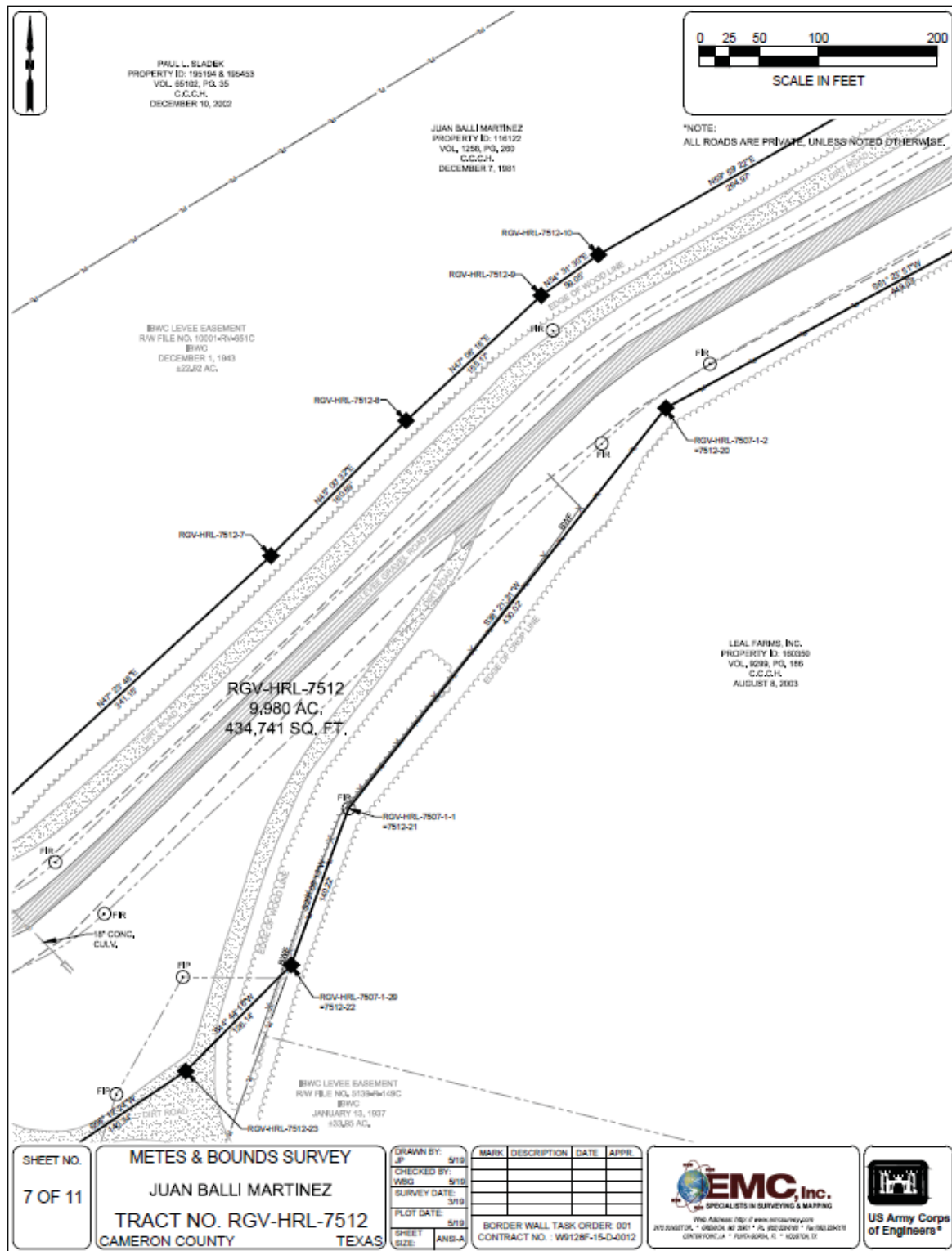
Thence: N 88°43'00" W along said enforcement zone, crossing the center of an existing 20 foot wide dirt road at 15 feet, a distance of 137.69 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7512-25 for angle;

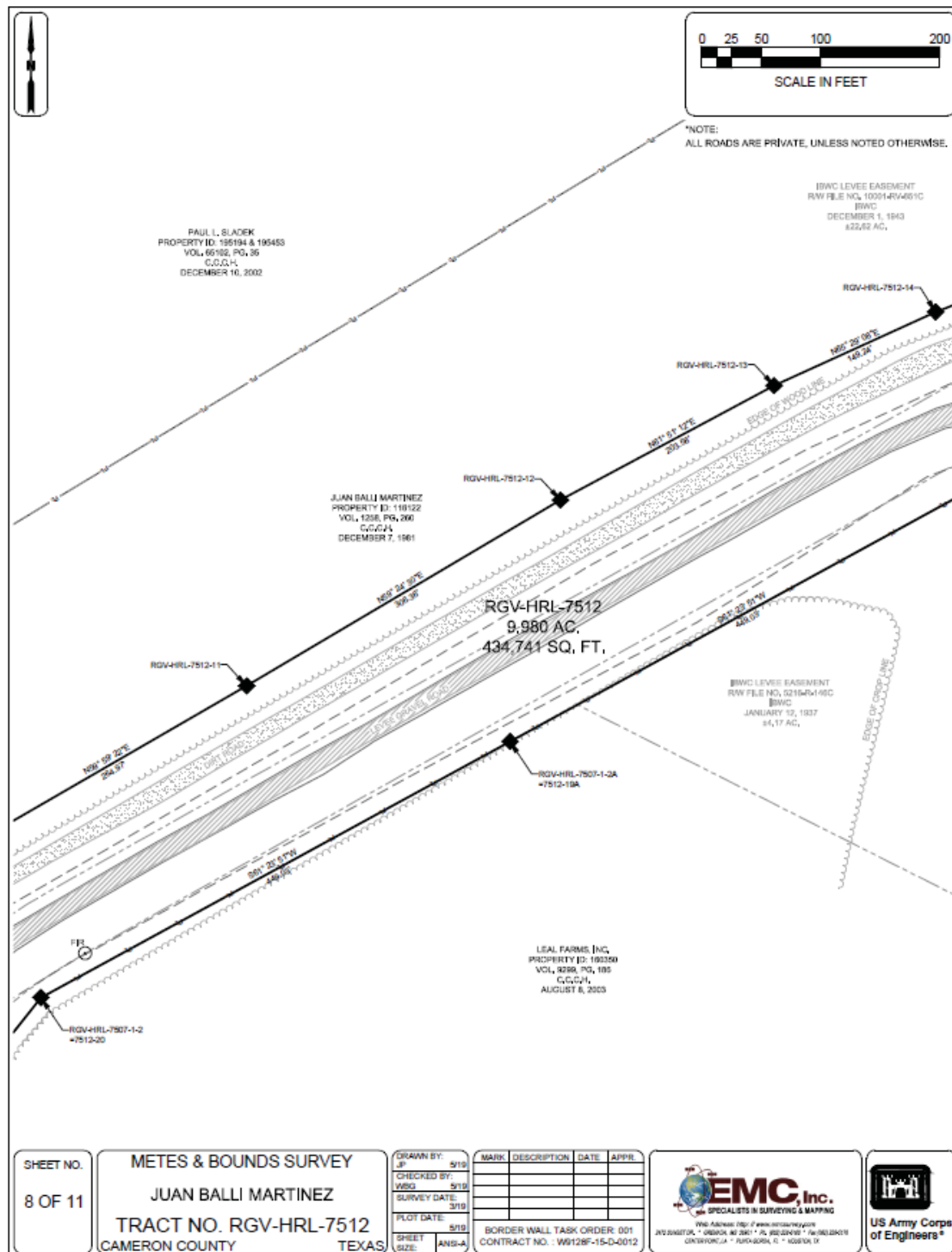
Thence: N 74°28'31" W along said enforcement zone, crossing the center of an existing 12 foot wide dirt road at 161 feet, a distance of 235.08 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-HRL-7512-26 for angle;

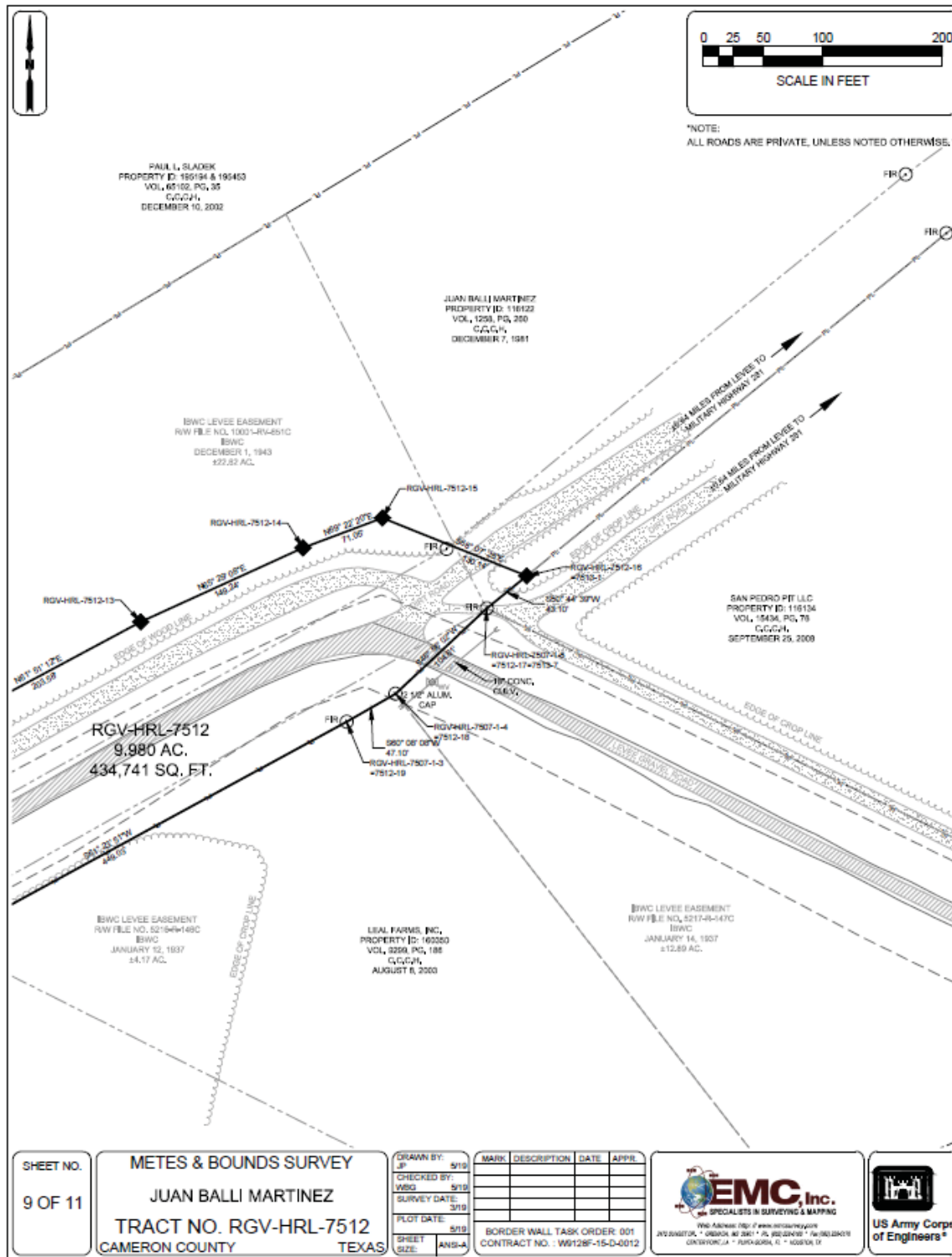
Thence: N 67°40'03" W along said enforcement zone, crossing the center of an existing 22 foot wide dirt road at 7 feet, a distance of 167.38 feet, returning to the **Place of Beginning**.

SCHEDULE D

SCHEDULE D**MAP or PLAT**

SCHEDULE D (Cont.)



SCHEDULE D (Cont.)

SCHEDULE D (Cont.)

LEGEND:			
	FOUND MONUMENT (AS NOTED)		UNDERGROUND COMMUNICATIONS/TELEPHONE LINE
	SET 5/8" IR WALL/ALUMINUM CAP STAMPED (AS NOTED)		UNDERGROUND FIBER OPTIC LINE
	CONTROL POINT		CATCH BASIN
	ACQUISITION BOUNDARY		STORM GATE
	EASEMENT LINE		STORM SEWER VALVE
	PROPERTY LINE		STORM MANHOLE
	EXISTING WALL		STORM SEWER
	LEVEE CENTERLINE		CULVERT
	LEVEE TOP BANK		HEADWALL AND WINGWALL
	LEVEE TOE		TOP OF DITCH
	EDGE OF ROAD (TYPE NOTED)		BOTTOM OF DITCH
	SAVE AND EXCEPT AREA		EDGE OF WATER
	EDGE OF SIDEWALK		WATER PUMP
	BUILDING OUTLINE (SEE LABEL)		MONITORING WELL
	FENCE (TYPE NOTED)		WATER VALVE
	EDGE OF STRUCTURE (SEE LABEL)		WATER METER
	BRIDGE OUTLINE		HYDRANT
	OVERHEAD ELECTRICAL LINE		WATER EXTINGUISHER/FAUCET/SPICKET
	UNDERGROUND ELECTRICAL LINE		WATER MANHOLE
	LIGHT POLE		WATER LINE
	UTILITY POLE		LIFT STATION
	GUY END		PUMP STATION
	GUY POLE		SEWER CLEAN OUT
	JUNCTION BOX		SEWER MANHOLE
	ELECTRICAL MANHOLE		SEWER WATER PUMP
	ELECTRICAL METER		SANITARY SEWER VAULT
	ELECTRICAL PULL BOX		SANITARY SEWER LINE
	TRANSMISSION TOWER		GAS TANK
	SUBSTATION		GAS VALVE
	ELECTRICAL TRANSFORMER		GAS METER
	COMMUNICATIONS/TELEPHONE MANHOLE		GAS LINE MARKER
	COMMUNICATIONS/TELEPHONE JUNCTION BOX/PEDESTAL		GAS VAULT
	OVERHEAD COMMUNICATIONS/TELEPHONE LINE		GAS LINE
			DOCKS / DECKS / PIERS
			EDGE OF R/S/RAIP
			EDGE OF VEGETATING (TYPE NOTED)
			MISCELLANEOUS SYMBOL (SEE LABEL)
			C.C.C.H. (FOUND) CAMERON COUNTY COURTHOUSE
			H.C.M. (FOUND) HIDALGO COUNTY CAD MAP
			C.C.C.M. (FOUND) CAMERON COUNTY CAD MAP
			W.F. WITH
			UNK. UNKNOWN
			ALUM. ALUMINUM
			CONC. CONCRETE
			CULV. CULVERT
			POC POINT OF COMMENCEMENT
			POB POINT OF BEGINNING
			PG. PAGE
			VOL. VOLUME
			FIP FOUND IRON PIPE
			FIR FOUND IRON ROD
			1STFR 1 STORY FRAME HOUSE
			2STFR 2 STORY FRAME HOUSE
			1STBR 1 STORY BRICK HOUSE
			2STBR 2 STORY BRICK HOUSE
			1STCB 1 STORY COMMERCIAL BUILDING
			2STCB 2 STORY COMMERCIAL BUILDING
			1STSB 1 STORY STORE BUILDING
			2STSB 2 STORY STORE BUILDING
			SHDMF SHED WOOD FRAME
			SHDR SHED BRICK
			CLF CHAIN LINK FENCE
			WF WOODEN FENCE
			SBF STONE OR BRICK FENCE
			BWF BARBED WIRE FENCE
			GAT GATE
			CEM CEMETERY OUTBOUND
			HOSTN HEAD STONE



GENERAL SURVEYOR'S NOTES:

1. THE BEARINGS, DISTANCES AND COORDINATE VALUES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, REFERENCED TO NAD 83(2011), TX SOUTH ZONE(4205), US SURVEY FEET, USING THE CORS(2011) ADJUSTMENT. THE DISTANCES AND COORDINATES SHOWN HEREON ARE GRID VALUES AND MAY BE CONVERTED TO GROUND (SURFACE) USING A SCALE FACTOR OF 1.000040021 (E.G. GRID X 1.000040021 = SURFACE).
2. A SEPARATE METES AND BOUNDS DESCRIPTION OF EQUAL DATE WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY PLAT.
3. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THE SUBJECT PARCEL MAY BE SUBJECT TO RECORDED, UNRECORDED OR MIS-INDEXED INSTRUMENTS OR FACTS WHICH WOULD BE REVEALED BY A THOROUGH TITLE EXAMINATION.
4. THE REMAINING ACREAGE OF THE PARENT TRACT WAS CALCULATED FROM THE RECORDED INSTRUMENTS AND/OR GIS INFORMATION PROVIDED BY THE COUNTY AND IS NOT BASED ON FIELD DIMENSIONS.
5. EMC, INC. HAS PROVIDED THESE SURVEY SERVICES TO THE CORPS OF ENGINEERS AS THE PRIME CONSULTANT. THE CORP'S CONTRACTING OFFICER'S REPRESENTATIVE IS STEPHEN CORLEY, RPLS (817) 895-11453.
6. TEXAS 811 UTILITY LOCATE REQUEST WAS SUBMITTED FOR THIS SURVEY ON FEBRUARY 25, 2019 (TICKET NO. 1955633105).
7. LONE STAR 811 UTILITY LOCATE REQUEST WAS SUBMITTED FOR THIS SURVEY ON FEBRUARY 25, 2019 (TICKET NO. 590544850).

SHEET NO. 10 OF 11	METES & BOUNDS SURVEY JUAN BALLI MARTINEZ TRACT NO. RGV-HRL-7512 CAMERON COUNTY TEXAS	DRAWN BY: JP CHECKED BY: WBS SURVEY DATE: 3/19 PLOT DATE: 5/19 SHEET SIZE: ANS-A	<table border="1"> <thead> <tr> <th>MARK</th> <th>DESCRIPTION</th> <th>DATE</th> <th>APPR.</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	MARK	DESCRIPTION	DATE	APPR.																	 EMC Inc. SPECIALISTS IN SURVEYING & MAPPING 1910 ADDRESS: 10017 FARM ROAD 10017 1910 ADDRESS: 10017 FARM ROAD 10017 1910 ADDRESS: 10017 FARM ROAD 10017 1910 ADDRESS: 10017 FARM ROAD 10017	 US Army Corps of Engineers
		MARK	DESCRIPTION	DATE	APPR.																				
BORDER WALL TASK ORDER: 001 CONTRACT NO.: W6128F-15-D-0012																									
EMC, INC. PROJECT NO.: 19005																									

SCHEDULE D (Cont.)

MONUMENT TABLE		
MONUMENT NAME	NORTHING	EASTING
RGV-HRL-7510-8=7512-1	16519426.82	1274755.13
RGV-HRL-7510-7=7512-2	16519568.06	1274807.33
RGV-HRL-7510-6=7512-3	16519673.45	1274845.46
RGV-HRL-7512-4	16519622.29	1274972.03
RGV-HRL-7512-5	16519573.67	1275169.19
RGV-HRL-7512-6	16519578.37	1275211.34
RGV-HRL-7512-7	16519809.30	1275462.45
RGV-HRL-7512-8	16519923.05	1275576.23
RGV-HRL-7512-9	16520028.60	1275689.97
RGV-HRL-7512-10	16520062.87	1275738.06
RGV-HRL-7512-11	16520195.39	1275967.50
RGV-HRL-7512-12	16520351.30	1276231.22
RGV-HRL-7512-13	16520447.34	1276410.72
RGV-HRL-7512-14	16520509.26	1276546.51
RGV-HRL-7512-15	16520534.29	1276613.00
RGV-HRL-7512-16=7513-1	16520485.80	1276733.77
RGV-HRL-7507-1-5=7512-17=7513-7	16520458.53	1276700.39
RGV-HRL-7507-1-4=7512-18	16520387.10	1276623.97
RGV-HRL-7507-1-3=7512-19	16520363.64	1276583.13
RGV-HRL-7507-1-2A=7512-19A	16520148.68	1276188.90
RGV-HRL-7507-1-2=7512-20	16519933.71	1275794.66
RGV-HRL-7507-1-1=7512-21	16519596.52	1275527.80
RGV-HRL-7507-1-29=7512-22	16519464.87	1275479.53
RGV-HRL-7512-23	16519375.27	1275390.75
RGV-HRL-7512-24	16519297.21	1275274.12
RGV-HRL-7512-25	16519300.30	1275136.46
RGV-HRL-7512-26	16519363.22	1274909.95

SHEET NO. 11 OF 11	METES & BOUNDS SURVEY JUAN BALLI MARTINEZ TRACT NO. RGV-HRL-7512 CAMERON COUNTY TEXAS	DRAWN BY: JP	5/19	MARK DESCRIPTION DATE APPR.	 EMC, Inc. SPECIALISTS IN SURVEYING & MAPPING 1700 ADDRESS RD. # 200 • WWW.EMCSURVEYING.COM ANAHEIM, CA 92805 • TEL: 714.952.2410 • FAX: 714.952.2411 CANTERBURY, CT • PORTLAND, ME • KANSAS CITY, MO	 US Army Corps of Engineers
		CHECKED BY: WBG	5/19			
		SURVEY DATE: 3/19				
		PLOT DATE: 5/19				
		SHEET SIZE:	ANSI-A	BORDER WALL TASK ORDER: 001 CONTRACT NO.: W0128F-15-D-0012		

EMC, INC. PROJECT NO.: 19008

LAND TO BE CONDEMNED

Tract: RGV-HRL-7512

Owners: Juan Jose Martinez, *et al.*

Acreage: 9.980

SCHEDULE E

SCHEDULE E

ESTATE TAKEN

Cameron County, Texas

Tract: RGV-HRL-7512

Owners: Juan Jose Martinez, *et al.*

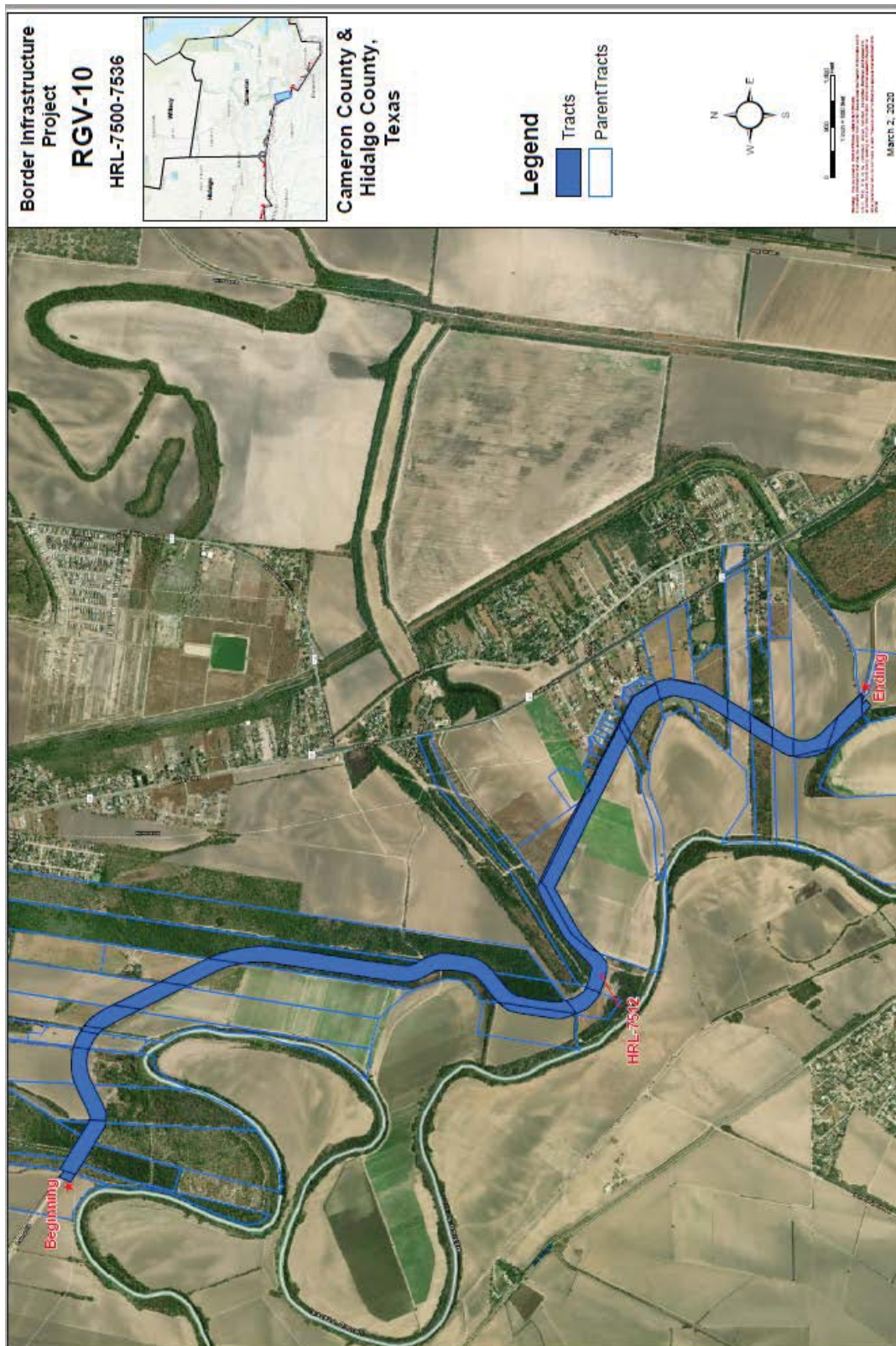
Acres: 9.980

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Reserving to the owners of land described in Quit-Claim Deed recorded with Deed Records, Cameron County, Texas, on 4 December 1981, volume 1258, page 260, document number 34788, reasonable access to and from the owners' lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the westernmost mark labeled "Beginning" and easternmost mark labeled "Ending" depicted on the map below;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation, and maintenance of the border barrier.

SCHEDULE E (Cont.)



SCHEDULE F

SCHEDULE F














ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the land being taken is TWENTY EIGHT THOUSAND, NINE HUNDRED SIXTY-THREE DOLLARS AND NO/100 (\$28,963.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto.

SCHEDULE G

SCHEDULE G**INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. *See* Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
Juan Jose Martinez  Rancho Viejo, TX  <i>Heir of Juan Balli Martinez</i>	<u>RGV-HRL-7512</u> Judgment, Document #1976-21697, Vol. 1064, Pg. 316, Recorded in Deed Records of Cameron County, Texas; Quit Claim Deed, Document #1981-34788, Vol. 1258, Pg. 260, Recorded December 4, 1981 in Deed Records of Cameron County, Texas; Probate Administration, Document # 1987-CPC-25,121-B, Vol. 32, Pg. 190 Recorded May 8, 1987 in Records of County Court at Law No. 2 of Cameron County, Texas.
Gloria Cuellar  Riviera, Texas  <i>Heir of Juan Balli Martinez</i>	
Petra Casares  Pasadena, TX  <i>Heir of Juan Balli Martinez</i>	
Cindy M. Lopez  Brownsville TX  <i>Heir of Orencio Martinerz/ Juan Balli Martinez</i>	
Orencio Martinez, Jr.  Brownsville TX  <i>Heir of Orencio Martinez/ Juan Balli Martinez</i>	
Sulema Valencia  San Antonio, Texas  <i>Heir of Juan Balli Martinez</i>	
Olivia Rodriguez 	

Brownsville Texas [REDACTED] <i>Heir of Juan Balli Martinez</i>	
Antonio “Tony” Yzaguirre, Jr. Cameron County Tax Assessor-Collector [REDACTED] Brownsville, Texas [REDACTED]	<u>RGV-HRL-7512</u> Account No. 71-0070-0070-0000-00 Appraisal Property No. 116122